APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,687	12/21/2001	Herbert V. Joiner	NAI1P064/01.306.01	3319

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EXAMINER
WINDER, PATRICE L

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No	Applicant(s)
Office Action Summary	10/029,687	JOINER ET AL.
	Examiner	**Art Unit**	
	Patrice Winder	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 February 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Request for Information

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2. In response to this requirement, please state the specific improvements of the claimed subject matter in claims 1-6, 9-14, 17-22, 25-29 over the disclosed prior art. After careful consideration of applicant's response to the "Request for Information" received on February 9, 2004, paper #8, the examiner is unable to determine applicant's statement of the specific improvements of the claimed invention over the disclosed prior art.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

4. Claims 1-6, 9-14, 17-22, 25-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al., USPN 6,108,782 (hereafter referred to as Fletcher) in view of Singh et al., USPN 5,758,083 (hereafter referred to as Singh).

5. Regarding claim 1, Fletcher taught a method for reporting on network analysis (abstract), comprising:

(a) collecting network traffic information utilizing a plurality of agents installed on computers distributed among a plurality of zones (column 6, lines 25-3 1, column 20, lines 1- 18);

(b) receiving the network traffic information collected from the agents associated with each zone at a separate controller (column 6, lines 12-20); and

(c) transmitting a report on the network traffic information from the controller to a computer coupled to the network (column 9, lines 33-43, column 18, lines 1-8); wherein the report includes a plurality of objects (column 3, lines 47-49, column 9, lines 33-43) in a tree representation (tree representation = MIB, column 3, lines 47-49, column 9, lines 33-43). Fletcher does not specifically teach a plurality of consoles, mapping the network topology or intrusion detection services. However, Singh taught a plurality of consoles are coupled to a controller for collecting network traffic information from the controller (column 7, lines 3-10) and displaying the network traffic information from the controller (column 5, lines 2-8), wherein a user interface is adapted for analyzing an output (column 5, lines 2-8, column 11, lines 34-39); wherein a map of the network is generated based on the network traffic information (column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic information (column 10, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Singh's plurality of consoles in Fletcher's distributed remote monitoring system would have improved efficiency. The motivation would have been to properly manage large networks by distributing network management and sharing network management information to facilitate the distributing network management.

6.   Regarding dependent claim 2, Fletcher taught the report is capable of being displayed on the computer utilizing a network browser (column 17, lines 8-14).

7.   Regarding dependent claim 3, Fletcher taught the network includes the Internet (column 17, lines 8-14).

8.   Regarding dependent claim 4, Fletcher taught the method further comprising receiving a request at one of the controllers for a report on the network traffic information corresponding to the zone associated with the controller (column 18, lines 1-8).

9.   Regarding dependent claim 5, Fletcher taught the report is transmitted in response to the request (column 18, lines 1-8).

10.   Regarding dependent claim 6, Fletcher taught the report includes a network analyzer report (column 18, lines 1-8).

11.   The language of claims 9-14, 17-22, is substantially the same as previously rejected claims 1-6. Therefore, claims 9-14, 17-22 are rejected on the same rationale as previously rejected claims 1-6, above.

12.   Regarding claim 25, Fletcher taught a method for reporting on network analysis (abstract), comprising:

        (a) collecting network traffic information utilizing a plurality of agents installed on computers distributed among a plurality of zones (column 6, lines 25-3 1, column 20, lines 1- 18);

        (b) receiving the network traffic information collected from the agents associated with each zone at a separate controller (column 6, lines 12-20);

(c) receiving a request at one of the controllers for a report on the network traffic

information corresponding to the zone associated with the controller (column 18, lines

1-8);

(d) transmitting a report on the network traffic information from the controller to a

computer coupled to the network (column 9, lines 33-43, column 18, lines 1-8);

(e) wherein the report is capable of being displayed on the computer utilizing a network

browser (column 17, lines 8-44).

Fletcher does not specifically teach a plurality of consoles, mapping the network

topology or intrusion detection services. However, Singh taught a plurality of consoles

are coupled to a controller for collecting network traffic information from the controller

(column 7, lines 3-10) and displaying the network traffic information from the controller

(column 5, lines 2-8), wherein a user interface is adapted for analyzing an output

(column 5, lines 2-8, column 11, lines 34-39);

wherein a map of the network is generated based on the network traffic information

(column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic

information (column 10, lines 1-6). For motivation for combination see claim 1, above.

13.   Regarding claim 26, Fletcher taught a method for reporting on network analysis

(abstract), comprising:

collecting network traffic information utilizing a plurality of information collectors

installed on computers distributed among a plurality of zones (column 6, lines 25-3 1,

column 20, lines 1- 18);

receiving the network traffic information collected from the information controllers

associated with each zone at an information collector manager (column 6, lines 12-20);

and

generating a report on the network traffic information associated with a selected

one of the zones (column 9, lines 33-43, column 18, lines 1-8).

Fletcher does not specifically teach a plurality of consoles, mapping the network

topology or intrusion detection services. However, Singh taught a plurality of consoles

are coupled to a controller for collecting network traffic information from the controller

(column 7, lines 3-10) and displaying the network traffic information from the controller

(column 5, lines 2-8), wherein a user interface is adapted for analyzing an output

(column 5, lines 2-8, column 11, lines 34-39);

wherein a map of the network is generated based on the network traffic information

(column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic

information (column 10, lines 1-6). For motivation for combination see claim 1, above.

14.   Regarding claim 28, Fletcher taught a computer program product for reporting on

network analysis (abstract), comprising:

computer code for collecting networks traffic information utilizing a plurality of

information collectors installed on computers distributed among a plurality of zones

(column 6, lines 25-3 1, column 20, lines 1- 18);

computer code for receiving the network traffic information collected from the

information controllers associated with each zone at an information collector manager

(column 6, lines 12-20); and

computer code for generating a report on the network traffic information associated with

a selected one of the zones (column 9, lines 33-43, column 18, lines 1-8).

Fletcher does not specifically teach a plurality of consoles, mapping the network

topology or intrusion detection services. However, Singh taught a plurality of consoles

are coupled to a controller for collecting network traffic information from the controller

(column 7, lines 3-10) and displaying the network traffic information from the controller

(column 5, lines 2-8), wherein a user interface is adapted for analyzing an output

(column 5, lines 2-8, column 11, lines 34-39);

wherein a map of the network is generated based on the network traffic information

(column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic

information (column 10, lines 1-6). For motivation for combination see claim 1, above.

15.   Claims 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fletcher and Singh, as applied to claims 26 and 28, respectively further in view of

Sharon et al., USPN 6,137,782 (hereafter referred to as Sharon).

16.   Regarding dependent claims 27 and 29, Fletcher-Singh does not specifically

teach the information relates to wireless network traffic. However, Sharon taught the

information relates to wireless network traffic (column 1, lines 23-30). It would have

been obvious to one of ordinary skill in the art at the time the invention was made that

incorporating Sharon's wireless network traffic in Fletcher's system for monitoring

network traffic would have expanded system flexibility. The motivation would have been

to provide Fletcher's service in networks of diverse communication media.

Response to Arguments

17.   Applicant's arguments filed February 9, 2004 have been fully considered but they

are not persuasive.

18.   Applicant argues – "Specifically, there is simply no disclosure, teaching or

suggestion of a 'report [that] includes a plurality of objects in a tree representation,' as

claimed by applicant."

    a.   The analysis is reported in as MIB-II or RMON MIBS (column 9, lines 38-

    41). The objects in MIBs are ordered in hierarchical tree structures by definition.

Conclusion

19.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    Spofford et al., USPN 5,913,037: taught the database structure for SNMP is

referred to as management information base (MIB), which is a database containing

information about the elements to be managed. A MIB is a definition of a structured

collection of objects... The objects in the MIB are ordered in a hierarchical tree

structure.

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
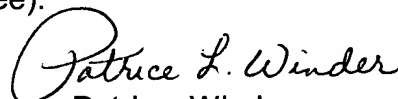
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 703-305-3938. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-3662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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